

No. \_\_\_\_\_

**CR - 09 00199**

**RMW**

**RS**

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

**SEALED BY ORDER  
OF THE COURT**

**SAN JOSE DIVISION**

**FILED**  
2009 FEB 25 P 1:14  
RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**THE UNITED STATES OF AMERICA**

**vs.**

**ANTHONY NIETO CASTRO**

**INDICTMENT**

**COUNT ONE:** 18 U.S.C. Section 922(G)(1) - Felon in Possession of Firearm

*A true bill.*

  
**Foreperson**

*Filed in open court this 25 day of February*

*A.D. 2009*

  
**UNITED STATES MAGISTRATE JUDGE**

*Bail. \$ No BAIL WARRANT RS*

DOCUMENT NO.	INITIAL
<b>1</b>	
DISTRICT COURT CRIMINAL CASE PROCESSING	

1 JOSEPH P. RUSSONIELLO (CASBN 44332)  
2 United States Attorney

FILED

2009 FEB 25 P 1:14

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SEALED BY ORDER  
OF THE COURT

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY NIETO CASTRO,

Defendant

CR No. 09 00199

VIOLATION: 18 U.S.C. §922(g)(1) – Felon  
in Possession of Firearm

SAN JOSE VENUE

RMW  
RS

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 922(g)(1) – Felon In Possession of Firearm)

1. On or about March 23, 2007, in the Northern District of California the defendant,

ANTHONY NIETO CASTRO,

having been previously convicted of a crime punishable by a term of imprisonment exceeding  
one year, did knowingly possess a firearm, to wit, a Smith and Wesson 38. caliber revolver

//

INDICTMENT

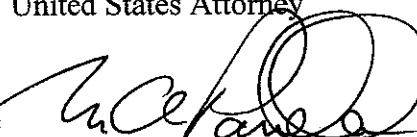
bearing serial number 167770, in and affecting commerce, in violation of Title 18 U.S.C. Section 922(g)(1).

DATED: 2/25/09

A TRUE BILL

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
DAVID R. CALLAWAY *for*  
Deputy Chief, San Jose Branch

(Approved as to form: \_\_\_\_\_)  
AUSA O'Connell

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**

COUNT ONE: 18 U.S.C. §922(g)(1)- Felon in Possession of a Firearm

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**10 years imprisonment,  
\$250,000 fine  
3 years supervised release  
100.00 special assessment**SEALED BY ORDER  
OF THE COURT****PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

S/A MARI CASCIANO-ATF

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

THOMAS M. O'CONNELL

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA**FILED**

DEFENDANT - U.S.

2009 FEB 25 P 1:14

ANTHONY NIETO CASTRO

DISTRICT COURT NUMBER

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.**CR - 09 00199****RMW****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed? ☐ Yes ☐ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

**DATE TRANSFERRED  
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT

Bail Amount: NO BAIL

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: